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SUFFOLK COUNTY EXECUTIVE

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Department of Economic Development and Planning
Division of Planning and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Village of Westhampton Beach B-1, B-2 & B-3
Business Districts Planning Study - August 2021
Update

Municipality: Village of Westhampton Beach

Location: Those sections of the Incorporated Village of
Westhampton Beach that are zoned B-1, B-2, or B-3
Business, including the Village's B-1 "Downtown
Central Business District" and its B-2 and B-3
"Highway-Oriented Business and Commercial Services
Districts."

Received: 7/21/2021

File Number: Wb-21-12

Jurisdiction: Business District Comprehensive Plan Update

PROPOSAL DETAILS

OVERVIEW – Approval of an August 2021 update to the "Village of Westhampton Beach Business Districts Planning Study," originally drafted in 2017.

The August 2021 updates provides "the status of the 2017 Study's implementation, including identifying those recommendations that have been implemented, those that are in the process of being implemented, those that have not yet been initiated, and a few new recommendations to support recent opportunities or address community needs and new and innovative ideas."

The purpose of the 2017 "Village of Westhampton Beach Business Districts Planning Study" was to:

- Inventory existing land use within the Village's B-1, B-2, and B-3 zoning districts;
- Identify local economic and market characteristics;
- Compile essential input from the Village's Business District Planning Task Force;
- Perform a comprehensive evaluation of the suitability and effectiveness of the business

- districts' zoning regulations;
- Identify land use issues, obstacles, opportunities and needs;
- Develop a viable strategy that would address land use concerns and provide a blueprint for a successful and sustainable business community in the future; and
- Provide an update to the Village's 2006 Comprehensive Plan.

The 2017 study identified 39 recommendations, many of which have since been implemented, are currently being implemented, or are still under consideration.

The Village of West Hampton Beach study looked at three business districts.

- B-1 Business District (Downtown Central Business District) consisting of the "Downtown Central Business District" primarily along Main Street, Sunset Ave, and Mill Road.
- B-2 Business District (Highway-Oriented Business and Commercial Services District) consisting of the "highway oriented" corridor including areas along Montauk Highway
- B-3 Business District (Highway-Oriented Business and Commercial Services District) located at the northern end of the village near Gabreski Airport.

The 2017 study found that business activity declines in the off-season, especially in the B-1 downtown district, where businesses often offer high end or specialty items during the peak summer months, but reduce hours or close in the winter. The plan recommended that additional uses be permitted in the B-2 and B-3 in order to serve the Village's year-round business needs. The update includes several new potential uses currently under consideration with moderate or high demand including:

- Florist
- Electronics
- Luggage/Leather Goods
- Sporting Goods
- Marine Supply Store
- Mail/Internet order houses
- Indoor Sports/ Recreation
- Grocery Store
- Meat Market
- Tobacco/Cigar Store
- Optical Goods Store
- Day Spas
- Permanent Makeup Salons
- Depilatory or electrolysis
- Ear piercing services

Additionally, in response to market demand, the Village has recently updated its code to allow convenience stores as an accessory use to gasoline fillings stations.

Many of the proposed recommendations are pending sewer improvements. The 2017 plan encourages lodging to support village visitation, and the update notes that plans for a new boutique hotel are under development pending progress on sewer district improvements.

Although the Village population has fluctuated, the update notes that the Village population has

rebounded, with several new multifamily housing developments under review. The plan notes the need for growth to support business, as well as the desire to preserve “the existing character of the community and quality of life for residents.” The plan supports the use of second-floor apartments or offices in the business districts, and the update notes that such uses are anticipated pending sewer installation. The plan notes that the Village prefers office uses on the ground floor with apartments above the Hamlet Office/Residential District (“HO District”)

The plan update details many other recent improvements such as lighting and landscaping improvements, underground utility installation, bike racks, bike share, sidewalks, traffic calming, roundabouts, curb extensions, crosswalks, and parking improvements.

STAFF ANALYSIS

The Village of West Hampton regulates uses by North American Industry Classification System (NAICS), published by the United States Office of the management and Budget. This classification system creates very specific use categories based on the good or service offered, such as “hobby toy and game store,” “Watch, clock or jewelry repair.” or “Used merchandise store.” NAICS codes can draw distinctions between uses that are functionally similar or identical from a land use perspective. Prohibiting the sales of books while permitting the sale of music in the same district, for example, lacks an obvious land use rationale. Classifying uses into specific categories without clear definitions can make enforcement problematic. Further, overly onerous use restrictions could limit the intent of the Village’s plan to reduce commercial property and building vacancies, and promote increased seasonal and year-round business activity.

In the publication *Zoning Practice*, The American Planning Association notes that “Industrial classification systems have several shortcomings as applied to zoning regulations,” namely that they are overspecified for use in zoning ordinances, and categorize industries rather than address land-use impacts. NAICS codes are often incongruent with zoning because they can both differentiate between similar uses and conversely, ignore differences between uses with different land use impacts¹.

Demand for particular goods or services will fluctuate based on external factors, and it would be impractical for a zoning code to try to prescribe all of the specific types of uses demanded in a particular area at any given time. Rather than regulating the specific goods and services, it may be more practical to permit broader use categories with similar impacts (retail sales, personal service, etc.) in order to allow market conditions to determine which specific goods and services can be offered. Putting greater emphasis on the design of the buildings and focusing on the impacts of uses could create more flexibility as market conditions continue to evolve.

¹ ZONING PRACTICE September 2005. American Planning Association. Issue Number Nine: Classifying and Defining Uses and Building Forms: Land-Use Coding for Zoning Regulations

STAFF RECOMMENDATION

Approval of the August 2021 update to the “Village of Westhampton Beach Business Districts Planning Study,” originally drafted in 2017, with the following comments:

1. The Village should consider revising its use restrictions within its business districts to allow for a greater flexibility of permissible uses. The Village should review what types of building designs and land use impacts are most appropriate in each district, and consider broader use categories rather than specifying particular goods and services.
2. As the plan notes a desire for a diversity of land uses that provide activity “particularly in the evening, at night, or on weekends,” and notes that sewers may support “greater evening and nightlife” the Village should reconsider the exiting prohibition on “Bar, tavern, drinking place” as well as “indoor recreation”
3. The Village may want to consider published Architectural Standards, and/or Site Design Guidelines for each business district to provide guidance to applicants and ensure that new development and second-story additions meet the intent of the Zoning Districts and desires of the community. Design guidelines could further define and illustrate “the existing architectural styles, charm, and quaintness of the Downtown (e.g., gable or hipped roofs, dormers, wood shingle or clapboard siding, window shutters, etc.).”
4. As sewer improvements allow for greater increase in available spaces in the downtown, the Village may want to consider limiting office and residential uses to the second-floor, or otherwise ensure that street-level storefronts “provide the level of activity or presence” desired in the downtown.
5. The Village should consider forms of “missing middle housing” such as duplex, triplex, fourplex, or townhouse units that may be appropriate as alternative affordable housing typologies to single-family detached units and multifamily buildings, especially as a transition between residential and commercial areas.
6. The Village should consider encouraging or incentivizing parking stall demand reduction strategies to help reduce the number of parking stalls required in new developments. Applicants should review the Commissions Model Code on Parking Stall Demand Reduction or be required to explore additional techniques to reduce parking demand including but not limited to the unbundling of parking cost from rent, parking cash-out programs, promotion of car sharing and ridesharing, etc. The SCPC Model Code for Parking Stall Demand Reduction includes twenty three concepts for the reduction of parking stall demand. The Suffolk County Planning Commission has produced a draft “model code” and report on such PSDR techniques and has recommended that no building or structure should be constructed, used or occupied without the adoption of Parking Stall Demand Reduction (PSDR) techniques conditioned, through covenants and restrictions, on land use and development approvals issued by municipal planning boards. For convenience a link to the model code is provided below:
<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>
7. The Village should require of an applicant to make every attempt when marketing any

workforce units to include individuals and their families with developmental disabilities to promote independence and inclusive communities. Affordable units should have consistent design and consistent access to those of the rest of the development. (i.e. no separate entrances)

8. Applicants within the Business Districts should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
9. Applicants within the Business Districts should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and universal design and incorporate where practical, applicable elements contained therein.
10. Applicants within the Business Districts should be encouraged to review the Suffolk County Planning Commission Guidebook particularly related to energy efficiency. To the maximum extent possible, accommodation for rooftop solar should be provided in building design plans for immediate or future installation







